

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MARK KRAFT,

Plaintiff(s)

ORDER

10 CV 2018 (JG)

-against-

LINCOLN BENEFIT LIFE COMPANY,  
Defendant(s).  
-----X

An initial conference in the above-captioned case has been scheduled for *Wednesday, June 30, 2010 at 12:00 p.m.*, before the Honorable Robert M. Levy, United States Magistrate Judge at 225 Cadman Plaza East, Brooklyn, New York. Parties are directed to check-in with chambers, Room 1223-S, upon arrival. All counsel must be present. **Plaintiff(s) counsel is directed to confirm with defendant(s) counsel that all necessary participants are aware of this conference.** In the event an answer has not yet been filed, plaintiff(s) counsel is to notify defendant(s) counsel of this conference as soon as an answer is filed. If an answer is not filed plaintiff(s) counsel is to notify the court, in writing, to arrive two days before the scheduled conference. No adjournment requests will be considered unless made **in writing** and received at least forty-eight (48) hours before the scheduled conference.

**THE PARTIES ARE REMINDED OF THE REQUIREMENTS OF THE AMENDMENTS TO RULE 26 Fed. R. Civ. P. IT IS EXPECTED THAT: 1) THE MEETING REQUIRED BY THIS RULE WILL BE HELD AT LEAST 14 DAYS BEFORE THE CONFERENCE, 2) THE MANDATORY DISCLOSURE REQUIRED BY THE RULE WILL BE MADE BEFORE THE CONFERENCE, AND 3) THE WRITTEN REPORT CALLED FOR BY THE RULE WILL BE PREPARED AND AVAILABLE TO THE COURT BY THE TIME OF THE CONFERENCE.**

The parties are advised that all parties in civil actions in this district are now required to participate in Electronic Case Filing (ECF). ECF enables both the court and litigants to file all case documents electronically, including pleadings, motions, correspondence and orders. ECF is designed to be a user-friendly system which is easily understood. A user's manual is attached and is also available through the Clerk's Office, or at our website at <http://www.nyed.uscourts.gov>. If needed, free training can be arranged for attorneys and their staff by contacting the Clerk's Office at any Eastern District courthouse. All counsel of record will receive notice by e-mail every time a document is filed in this case via ECF. **A courtesy copy of all requests for extensions or adjournments addressed to my attention should also be faxed to my chambers.** For more information, please consult my individual rules, which are attached and are posted on the EDNY website. To obtain permission to fax, please contact chambers at (718) 613-2340.

All counsel of record who have not yet registered for ECF must do so within two weeks. For their convenience, the registration form is attached. If there are other attorneys in the firm who will also be working on this case, such attorneys should promptly file a notice of appearance and register for ECF. In exceptional circumstances, a party may be exempted from the ECF requirements, but only upon a written application to my chambers explaining in detail the serious hardships that compliance with ECF would entail.

SO ORDERED.

DATED: Brooklyn, New York  
May 11, 2010

\_\_\_\_\_  
/s/  
ROBERT M. LEVY  
United States Magistrate Judge

**INITIAL CONFERENCE QUESTIONNAIRE**

**CASE NAME:** \_\_\_\_\_

**DOCKET NO.:** \_\_\_\_\_

1. Date for completion of automatic disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure, if not yet made: \_\_\_\_\_
2. If additional interrogatories beyond the 25 permitted under Rule 33(a) of the Federal Rules of Civil Procedure are needed, the maximum number by:  
plaintiff(s) \_\_\_\_\_ and defendant(s) \_\_\_\_\_
3. Maximum number of requests for admission by: plaintiff(s) \_\_\_\_\_ and defendant(s) \_\_\_\_\_
4. Number of depositions by plaintiff(s) of: parties \_\_\_\_\_ non-parties \_\_\_\_\_
5. Number of depositions by defendant(s) of: parties \_\_\_\_\_ non-parties \_\_\_\_\_
6. Time limits for depositions: \_\_\_\_\_
7. Date for completion of factual discovery: \_\_\_\_\_
8. Number of expert witnesses of plaintiff(s): \_\_\_\_\_ medical \_\_\_\_\_ non-medical  
Date for expert report(s): \_\_\_\_\_
9. Number of expert witnesses of defendant(s): \_\_\_\_\_ medical \_\_\_\_\_ non-medical  
Date for expert report(s): \_\_\_\_\_
10. Date for completion of expert discovery: \_\_\_\_\_
11. Time for amendment of the pleadings by plaintiff(s) \_\_\_\_\_  
or by defendant(s) \_\_\_\_\_
12. Number of proposed additional parties to be joined by plaintiff(s) \_\_\_\_\_ and by  
defendant(s) \_\_\_\_\_ and time for completion of joinder: \_\_\_\_\_
13. Types of contemplated dispositive motions: plaintiff(s): \_\_\_\_\_  
defendant(s): \_\_\_\_\_
14. Dates for filing contemplated dispositive motions: plaintiff(s): \_\_\_\_\_  
defendant(s): \_\_\_\_\_
15. Does any party object to having this case included in the **Court's Electronic Case Filing Program**? \_\_\_\_\_ No objection \_\_\_\_\_ Objection by \_\_\_ plaintiff \_\_\_ defendant
16. Will the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. §636©)?  
(Answer no if any party declines to consent without indicating which party has declined.)  
Yes \_\_\_\_\_ No \_\_\_\_\_
17. This case should be ordered to arbitration at the close of discovery \_\_\_\_\_ (yes/no)  
This case should be ordered to mediation (now or at a later date) \_\_\_\_\_ (yes/no)

(Prior to the Initial Conference, counsel shall discuss with their clients and their adversaries whether arbitration or mediation is appropriate in this case and be prepared to explain their reasons to the court)

**Magistrate Judge Robert M. Levy**  
**Brooklyn Courthouse**  
**Telephone: 718-613-2340**  
**Fax: 718-613-2345**  
**Fax Page Limit: None listed**  
**Contact: Janine Marino**  
**Telephone: 718-613-2340**  
**Hours: None listed**

*Motions Returnable:* Set by the court.

Unless otherwise ordered by the judge in a specific case, matters before the judge shall be conducted in accordance with the following practices:

1. *Communications With Chambers*

- A. *Letters.* Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all counsel. Copies of correspondence between counsel shall not be sent to the Court. All correspondence must have case name, docket number and initial of judges assigned to the case.
- B. *Telephone Calls.* In addition to Paragraph 1(D) below, telephone calls to chambers are permitted. For scheduling or calendar matters, call chambers at the number listed above.
- C. *Faxes.* Faxes to chambers are not permitted unless prior authorization is obtained. Hard copies of faxes to chambers shall not be sent without permission from chambers.
- D. *Scheduling and Calendar Matters.* For scheduling and calendar matters, call Janine Marino at (718) 613-2340.
- E. *Request for Adjournments or Extension of Time.* All requests for adjournments or extensions of time must be made in writing (in letter form) and electronically filed under "Motions" and not as a "Letter" under "Other Documents." A courtesy copy must be faxed to chambers. The letter must state (1) the original date, (2) the reason for the request, (3) how much additional time is needed, (4) the number of previous requests for adjournment or extension, (5) whether these previous requests were granted or denied, and (6) whether the adversary consents, and if not, the reasons given by the adversary for refusing to consent. If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling order must be included. If the request is for an adjournment of a court appearance, absent emergency it shall be made at least 2 business days prior to the scheduled appearance. **Please do not call chambers to request an adjournment of a court date except in case of an emergency.**

2. *Motions*

- A. *Pre-Motion Conferences in Civil Cases.* For discovery motions, follow Local Civil Rules 37.3 and 6.4. For motions other than discovery motions, in all cases where the parties are represented by counsel, a pre-motion conference with the court is required before making any dispositive motion, motion for a change of venue, or to amend a pleading pursuant to Rule 15 of the Federal Rules of Civil Procedure where leave of court is required.

To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three (3) pages in length setting forth the basis of the anticipated motion. All parties so served must serve and file a letter response, not to exceed three (3) pages within seven (7) days from the service of the notification letter. Service of the letter by the moving party within the time requirements of Rule 12 of the Federal Rules of Civil Procedure shall constitute timely service of a motion made pursuant to Federal Rules of Civil Procedure 12(b).

- B. *Courtesy Copies.* Courtesy copies of all motion papers, marked as such, should be submitted to chambers.
- C. *Memoranda of Law.* The court expects counsel to exercise their professional judgment as to the length of briefs and may impose limits if that expectation is not met.
- D. *Filing of Motion Papers.* Motion papers shall be filed promptly after service.
- E. *Oral Argument on Motions.* Parties may request oral argument by letter at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.
- F. Paragraphs A and D above **do not** apply to any of the motions described in Federal Rules of Appellate Procedure 4(a)(4)(A). A pre-motion conference is not required before making such motions, which should be filed when served.

3. *Pretrial Procedures in Consent Cases*

- A. *Joint Pretrial Orders in Civil Cases where Parties Consent to Trial before a Magistrate Judge.* Unless otherwise ordered by the Court, within 60 days after the date for the completion of discovery in a civil case, the parties shall submit to the court for its approval a joint pretrial order. All joint pretrial orders shall include the following:
- i. The full caption of the action.
  - ii. The names, addresses (including firm names) and telephone and fax numbers of trial counsel.
  - iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
  - iv. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried.
  - v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
  - vi. Any stipulation or agreed statements of fact or law which have been agreed to by all parties.
  - vii. A list by each party as to the fact and expert witnesses whose testimony is to be offered in its case in chief, indicating whether such witnesses will testify in person or by deposition. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
  - viii. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.

ix. A statement of stipulated facts, if any;

x. Exhibit

1) A schedule listing exhibits to be offered in evidence and if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Failure to object in the pretrial order waives all objections at trial, except objections as to relevance. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause; and

2) All exhibits must be premarked for the trial and exchanged with the other parties at least ten days before trial. Where exhibits are voluminous, they should be placed in binders with tabs.

B. *Filings Prior to Trial in Civil Cases.* Unless otherwise ordered by the Court, each party shall file, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the final pretrial order if no trial date has been fixed:

i. Requests to charge and proposed voir dire questions. Requests to charge should be limited to the elements of the claims, the damages sought, and defenses. General instructions will be prepared by the court. When feasible, proposed jury charges should also be submitted on a 3.5" IBM formatted diskette in Word Perfect format.

ii. By claim, a detailed statement regarding damages and other relief sought;

iii. In non-jury cases, a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element.

iv. In all cases, motions addressing any evidentiary or other issues which should not be resolved in limine; and

v. In any case where such party believes it would be useful, a pretrial memorandum.



UNITED STATES DISTRICT COURT  
*for the*  
EASTERN DISTRICT *of* NEW YORK

**cm/ECF**

*[case management / Electronic Case Filing]*

**User's Guide**

(Revised August 2, 2004)

Our Website: <http://www.nyed.uscourts.gov>

The **cm/ECF button** located on the left-hand side of this screen will direct you to our electronic filing page.

**Honorable Edward R. Korman**  
Chief, United States District Judge

**Robert C. Heinemann**  
Clerk of Court

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## Introduction

This Manual provides a general guide on how to use the Eastern District of New York's electronic database. Registration instructions are included.

The Eastern District of New York has an electronic database of cases. All filings, either by counsel or by the Court, are done electronically via the Internet. Paper documents will be filed only rarely. Electronic Filing Procedures are available on our Website. Once an attorney registers for ECF in a particular case, the Court maintains a record of the attorney's e-mail address, and may use that address to notify the attorney of court events in other cases. Accordingly, even if a particular case has not been formally entered into the ECF system, yet counsel has previously registered for ECF in other cases, counsel should be aware that they may receive notification from the Court of court events or conferences by e-mail. The Court will expect counsel to respond to notifications sent to their e-mail addresses on file with the court. Our Website: <http://www.nyed.uscourts.gov>.

### ***All documents must be filed electronically***

**Administrative Order No. 2004-08**, states that beginning on August 2, 2004, **electronic case filing will be mandatory for all civil cases**, other than pro se cases, **and for all criminal cases**.

Requests by attorneys for an exemption to the mandatory policy will be considered for good cause hardship reasons only, and will be reviewed on an individual basis by the assigned United States Magistrate Judge. The Clerk's Office provides an electronic filing training program to assist attorneys filing electronically. Before seeking a hardship exemption, attorneys are advised to participate in the training program or otherwise seek the assistance of the Clerk's Office. SO ORDERED. June, 2004.

Consult judicial officers **Motion and Individual Practices** on our website.

**Courtesy copies** of *all* electronic filings shall be submitted to the judicial officer in *hard* copy, and be *so labeled*, except for civil cases assigned to Judge Charles P. Sifton, who requires no courtesy copies.

All documents addressed to a Magistrate Judge are to be filed electronically with a courtesy copy forwarded to chambers.

**To file electronically you need the following:**

1. Adobe Acrobat Exchange - for converting documents to a PDF format.  
[To obtain contact any retail computer software vendor.]
2. Netscape Navigator version 4.79 or later, Mozilla 1.6 or later, or Internet Explorer 5.5sp2 or later.
3. An Internet connection.
4. ECF Registration Form can be found on our website. Registration should be done as soon as possible.

**To view online docket sheets or *to view* electronically filed documents you need the following:**

1. An Internet connection.
2. Adobe Acrobat Reader (free download from [www.adobe.com](http://www.adobe.com)) to view electronically filed documents.
3. Netscape Navigator version 4.79 or later, Mozilla 1.6 or later, or Internet Explorer 5.5sp2 or later.
4. A PACERNet account. (A Pacer Account is needed *to view* docket sheets or electronically filed documents. You may call 1-800-676-6856 to register or online at <http://pacer.psc.uscourts.gov> .

## Registering for Access

Return your completed ECF registration form, which is contained in this Guide, by mail, fax or e-mail to one (1) of the following staff members:

**Ms. Evelyn Levine**

Training Specialist  
225 Cadman Plaza East, Room 105  
Brooklyn, New York 11201  
Telephone No.: (718) 613-2312

Fax: (718) 613-2264  
E-mail: [Evelyn\\_Levine@nyed.uscourts.gov](mailto:Evelyn_Levine@nyed.uscourts.gov)

**Ms. Carol McMahon**

Administrative Supervisor  
United States Federal Courthouse  
100 Federal Plaza  
Central Islip, New York 11722-4438

Telephone No.: (631) 712-6031  
Fax: (631) 712-6043  
E-mail: [Carol\\_McMahon@nyed.uscourts.gov](mailto:Carol_McMahon@nyed.uscourts.gov)

Once your ECF Registration Form is processed you will be issued a log-in/user name and password for our ECF Live Database, and a log-in/user name and password for our Training Database. You will receive this notification by e-mail. Counsel are encouraged to include their firm's e-mail address, as well as their personal e-mail address, to ensure notification of any case activity. **Your password is your electronic signature.** Every attorney needs their own login and password. Each login and password is case sensitive. Keep your login and password in a secure place. If compromised, contact the Court immediately and a new password will be issued. If you have forgotten your login or password, send an e-mail to [Evelyn\\_Levine@nyed.uscourts.gov](mailto:Evelyn_Levine@nyed.uscourts.gov). You may also request a login and password for our Training Database.

An ECF Registration form is included in this Guide.

It is the responsibility of counsel to notify the Clerk's Office of **any** change of address. Changes may be mailed to the Clerk's Office, or e-mailed to [Terry\\_Vaughn@nyed.uscourts.gov](mailto:Terry_Vaughn@nyed.uscourts.gov).

## Login Screen

On our website, <http://www.nyed.uscourts.gov>, click on **cm/ECF**, then **Electronic Access**, then ([ecf.nyed.uscourts.gov](http://ecf.nyed.uscourts.gov)). **Live - Version 2.1**, then on **Eastern District of New York - CM/ECF Version 2.1 LIVE Database**, and you will see a login screen.

### **There is only one login screen. You have two options.**

1. When entering the **login and password the Court has given you**, the computer will know that you want **to file** a document electronically.
2. When entering **your firm's Pacer login and password** the computer will know that you **want to** either **view** a docket sheet or **view** an electronically filed document. To obtain a Pacer login and password contact the PACER Service Center at 1-800-676-6856 or (210) 301-6440, or online at <http://pacer.psc.uscourts.gov>.

## Training

Training is offered free of charge at both the Brooklyn courthouse and the Central Islip courthouse. To schedule training in Brooklyn call (718) 2312. To schedule training in Central Islip call (631) 712-6011. Two **CLE credits** are offered to counsel upon completion of this training.

Computer Based Training, CBT's, is offered by logging on to our website <http://www.nyed.uscourts.gov>, clicking on the cm/ECF button, and then in the Training paragraph, click on CBT Training.

When you register for electronic filing you will be sent a login and password for our

Live Database. You may also request a login and password for our Training Database. The Training Database contains *a few sample cases* that will allow you to practice filing documents. To see the listing of cases in our Training Database, click on Reports; then, under Civil Reports, click on Civil Cases; and Run Report.

In addition, the website <http://pacer.psc.uscourts.gov/ecfcbt/dc/> has a host of cm/ECF information, including self-paced online training materials for attorneys.

## **Adobe Acrobat**

**Only documents in PDF format may be filed electronically.** To view these documents users must install a PDF Reader. The PDF Reader is free of charge. When installing this product, review and follow the provider's directions.

To convert documents into PDF format you need to purchase the Adobe Acrobat Writer. To obtain the Writer please call (888) 502-5275. The conversion process is relatively simple and can be accomplished in one of two ways, depending on the word processing program you are using.

### **1. For WordPerfect:**

#### **Version 6.1, 7 and 8**

- Open the document to be converted.
- Select the Print option and in the dialog box select the option to change the selected printer. A drop down menu with a list of printer choices is displayed.
- ***Select your PDF Writer.***
- Print the file. The file will not print out, instead the option to save the file in PDF format appears.
- Name the file.
- Accept the option and a PDF version of your WordPerfect document is made.

### **Version 9**

Use above method, or open the document.

- *Click on the File* menu and *Select your PDF Writer*.
- Save the file as a PDF document.
- The file is now in PDF format under the newly designated name. The original document remains in its original WordPerfect form under it's original name.

## **2. For Microsoft Word 95 or later:**

- Open the document.
- *Click on the File* menu and select, *Create PDF*.
- Save the file as a PDF file.
- The file is now in PDF format under the newly designated name, and the original document remains in its original form under the original name.

### **Other word processing programs:**

- Open the document to be converted.
- *Select the Print* option and in the dialog box select the option to change the selected printer. A drop down menu with a list of printer choices is displayed.
- *Select PDF Writer*.
- Print the file. The file should not print out, instead the option to save the file in PDF format appears.
- Name and save the file.

[Depending on the word processing program being used, it may be necessary to find the printer selection option elsewhere. At that point, change the printer to PDF Writer, and follow the directions above.]



**RECOMMENDATIONS (HINTS) FROM PRELIMINARY ADOBE VERSION  
6.0 and CM/ECF COMPATIBILITY TESTS**

**PREPARING THE DOCUMENT:**

1. Reminder: do not use the PDF Creator that is a part of the Corel Suite.
2. Set Adobe PDF Writer as the default printer BEFORE opening the WordPerfect document.
3. Before printing, perform a "File --> Save As" and save the document as a normal WordPerfect document. This cleans the document and gets rid of any embedded code that might be lingering due to editing, but that is not visible in the actual document.
4. Minimize the number of different fonts used in the document. We suggest you set the default font to Courier (NOT Courier New or Times New Roman or any other TrueType font). So far, tests have shown that using True Type fonts drastically increases the size of the document. Set the default font by going to "File --> Document --> Default Font."
5. The CM/ECF Project Team recommends a 200x200 dpi resolution. A higher resolution appears to dramatically increase the file size. Because Adobe Acrobat is often used for publishing, some of the standard settings have a 1200x1200 resolution.
6. When you print the document, click on the "Details" tab in the "Print" window, change the "Resolution" to "200x200," then un-check the following check boxes (if they were checked when you entered the window): "Print in color" and "Print text only." Note: this hint does not apply to WordPerfect 10 users who do not have the "Details" tab. Don't worry, our initial tests have shown that WordPerfect 10 creates MUCH smaller PDF files than WordPerfect 9.

**IN ADOBE ACROBAT 6:**

1. To do the following from Adobe Acrobat 6.0, go into: Advanced --> Acrobat Distiller
2. From Acrobat Distiller, set the following: Default Settings: Smallest File Size
3. Changing the compatibility to Acrobat versions 4.0,

5.0, or 6.0 had no effect on the size of the saved file. In order to ensure the document is viewable in Acrobat 4.0, set the compatibility to Acrobat 4.0 (PDF 1.3). To change the compatibility, set the following from Acrobat Distiller: Settings --> Edit Adobe PDF Settings --> General --> Compatibility --> Acrobat 4.0 (PDF 1.3) [select this]

4. Embedding fonts is recommended so the PDF document is the same or very similar to the original WordPerfect document. Indications from our preliminary tests with the Courier font are that embedding fonts does not affect file size; however, the jury is still out on this. To enable font embedding, set the following from within Acrobat Distiller: Settings --> Edit Adobe PDF Settings --> Fonts --> Embed all fonts (check the check box)

Again, Adobe Acrobat Version 6.0 is compatible with the CM/ECF software....and as noted throughout this announcement, we are continuing to test how to best use Acrobat 6.0. We will provide more details and further clarification on the "hints" provided above within the upcoming weeks.

IMPACT ON SYSTEM PERFORMANCE: Text documents are much smaller than imaged documents. For a typical document, its PDF text version would be only 20% of the size of its imaged version. Therefore, whenever an imaged document is stored or viewed, it puts five to ten times more load on the network than it would as a text document. It also can take five to ten times as long to transfer.

## How To File Documents Electronically

Once your document is in PDF format, click on Civil, then click on the Civil Event that best describes the document you are filing.

A list of **civil events** are listed at the website:

[http://www.nyed.uscourts.gov/CM\\_ECF/Learning\\_More\\_About\\_It/cvatyevents.pdf](http://www.nyed.uscourts.gov/CM_ECF/Learning_More_About_It/cvatyevents.pdf)

A list of **criminal events** are listed at the website:

[http://www.nyed.uscourts.gov/CM\\_ECF/Learning\\_More\\_About\\_It/cratyevents.pdf](http://www.nyed.uscourts.gov/CM_ECF/Learning_More_About_It/cratyevents.pdf)

You will be guided through your filing by a series of prompts, including a prompt for your case number. There may be drop boxes or free text boxes for the option of further describing the document being filed. Filing a document with supporting, or opposition

documents, may be made with one electronic filing *which would include attachments*. Electronic filing, or viewing docket sheets, or viewing electronically filed documents can be done 24 hours a day, seven days a week.

## Frequently Asked Questions

**Linking Counsel to a Party:** During the first electronic filing an attorney makes after receiving a login and password, ECF may note that it does not have a link between the filing attorney and the filing party. ECF will, at this point, allow counsel to make the link. Making a link between counsel and a party to a case will add counsel's name and address to the front of the docket sheet.

When electronically filing **documents that add new parties** to a case, such as an amended complaint, you will receive a prompt when to add them. For the present, if a summons is required for service upon a new party, you will need to come to the Clerk's Office in Brooklyn or in Central Islip.

**Fees** need to be paid in person.

**Notices of Appeal** may be filed online, but the **filing fee** needs to be paid in person.

Upon completion of an electronic filing the last screen you see is a **Notice Of Electronic Filing screen**. This screen will tell you, among other things, the document number assigned to your document; will contain your electronic file stamp; and, at the bottom of the page, will notify you that a notice will be, or will not be, electronically mailed to counsel. If a notice **will not** be electronically mailed to counsel you are required to **mail a hard copy** of the document you are filing to said party. See Page 14 for a sample of Certificate of Service that should be attached to your electronic filing.

**Exhibits** that are not in your computer and for some reason cannot be scanned, may be filed in hard copy.

The exhibits filed in hard copy should have a cover sheet containing the case caption, the assigned judge and docket number, and a label that the documents are "Original Exhibits to [name of ECF filed document]."

When e filing the document that the exhibits are supporting, note in that filing that your exhibits will be filed in hard copy.

Attached to this Guide is a sample form that may be attached to the documents you are filing in hard copy. This form may also be filed. This form will advise the court and parties that such exhibits are **being filed in paper form**.

**Documents in excess of 100 pages** should be broken down into 100 page documents then filed electronically. For example a 300 page brief should be filed as Brief - Pages 1-100; the first attachment would be Brief - Pages 101-200; and the last attachment would be Brief - Pages 201-300. The current limit for a PDF to be uploaded is 4 megabytes. If your document exceeds that size, you are presented with this message: "You cannot load this file, it is over 5.0MB. To continue, divide the document into separate parts."

**Sealed / sensitive documents** should be filed in hard copy and be so labeled. They should be presented for filing in a sealed envelope and should be properly labeled. These envelopes should also contain the words *Sealed Document*.

**Document numbers** on docket sheets that are **underlined** are hyperlinked to a document, and the document will appear in total when double clicked. Document numbers without the underline indicate that the document was filed in hard copy and that it will not be viewable online.

**Motion filing.** For judges requiring motions to be fully briefed before filing, it will be the movants responsibility to electronically file **all** documents, including their adversary's document. The adversary shall provide movant with a pdf version of their opposing document(s). These documents may be filed in one electronic filing, with attachments. File the motion electronically with the supporting and opposing documents as the attachments.

**Filing affidavits** of individuals who are not counsel of record. These affidavits

may either be scanned and electronically filed, or counsel of record may file their own affidavit stating that said individual's original affidavit will be kept in their file should the Court or counsel wish to see it.

**Initiating documents in civil and criminal cases** (complaints, indictments, informations, etc.) shall continue to be filed in hard copy. The Clerk's Office will then scan and e file these documents. Thereafter, counsel are required to electronically file all further documents.

## Logging Out

To exit ECF or Pacer click on Logout, which is located on the blue or green tool bar located near the top right of your screen. Failure to do so will result in error messages the next time you try to login.

## Contacts

1. **Technical Help** Desk

718-613-2290

2. Questions regarding **ECF Registration** 718-613-2312 in Brooklyn  
631-712-6036 in Central  
Islip
3. Questions regarding **Filing** 718-613-2610 in Brooklyn  
631-712-6011 in Central  
Islip
4. To Schedule **Training** 718-613-2312 in Brooklyn  
631-712-6011 in Central  
Islip

United States District Court *for the* Eastern District of New York

**ECF**  
**Registration - Page 1**  
[Please type]

***Person Information:***

<b>Last Name:</b>	<b>Generation</b> (i.e. Jr., Sr., II, III):
-------------------	---------------------------------------------

<b>First Name:</b>	<b>Middle Name:</b>
<b>Title (i.e. attorney):</b>	<b>Date of Birth:</b>
<b>Last Four Digits of your Social Security Number:</b>	
<b>Are you admitted to the bar of the EDNY and, if so, are you a member in good standing?</b> <div style="text-align: center;"> <input type="checkbox"/> Yes      <input type="checkbox"/> No </div>	

***Office Information:***

<b>Office:</b>		
<b>Address 1:</b>		
<b>Address 2:</b>		
<b>Address 3:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>County:</b>	<b>Country:</b>	<b>Telephone No: (    )</b>

***User Information:***

<b>Law Firm E-mail Address:</b>
<b>Individual E-mail Address:</b>
<b>Telephone Number: (    )</b>
<b>Fax: (    )</b>

United States District Court  
Eastern District of New York

## ECF Registration - Page 2

By submitting this form the undersigned agrees to abide by the following:

1. This System is for those cases designated by the Court for electronic filing. Use the login and password the Court issues to electronically file documents. Use your firm's Pacer login and password to view docket sheets or to view electronically filed documents.
2. Documents must be submitted electronically *only* in **Portable Document Format (PDF)**.
3. The combination of user identification and password will serve as the signature of the attorney/participant filing the document. Individuals must protect the security of their passwords and immediately notify the Court if they suspect that their password has been compromised.

\_\_\_\_\_  
**Applicant's Signature**

Dated: \_\_\_\_\_

**Return your completed form by mail, fax or e-mail to one (1) of the persons listed below:**

**Ms. Evelyn Levine**

Training Specialist  
225 Cadman Plaza East, Room 105  
Brooklyn, New York 11201  
Telephone No.: (718) 613-2312

Fax: (718) 613-2264  
E-mail: [Evelyn\\_Levine@nyed.uscourts.gov](mailto:Evelyn_Levine@nyed.uscourts.gov)

**Ms. Carol McMahon**

Administrative Supervisor  
United States Federal Courthouse  
100 Federal Plaza  
Central Islip, New York 11722-4438

Telephone No.: (631) 712-6031  
Fax: (631) 712-6043  
E-mail:

[Carol\\_McMahon@nyed.uscourts.gov](mailto:Carol_McMahon@nyed.uscourts.gov)

**Sample Form**

## **Certificate of Service**



I hereby certify that on \_\_\_\_\_, 200\_\_, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Eastern District's Local Rules, and/or the Eastern District's Rules on Electronic Service upon the following parties and participants:

Attorney's Name and Address

**Sample Form**

**Original Documents**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

Vs.

Civil Action No.

Judge

-----X

## **Notice Regarding the Filing of Exhibits in Paper Form**

Exhibits, labeled / numbered \_\_\_\_\_, in  
support of \_\_\_\_\_, which was electronically filed on  
\_\_\_\_\_, 200\_\_, and assigned Document Number \_\_\_\_, are being  
filed in hard copy and will be maintained in the case file in the Clerk's Office.

Counsel's Name and Address

Date: